

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America  
v.  
Montague Fitzgerald BARNES

Case No.

\_\_\_\_\_  
*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 12, 2022 in the county of Webb in the  
Southern District of Texas, the defendant(s) violated:

*Code Section*

8 USC 1324

*Offense Description*

Knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, did transport and move and attempted to transport and move and conspired to transport and move such alien within the United States by means of transportation and otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

Continued on Affidavit

☒ Continued on the attached sheet.

/S/Edilberto Ramirez

*Complainant's signature*

Edilberto Ramirez, Border Patrol Agent

*Printed name and title*

Sworn to before me and signed in my presence,

Date: January 14, 2022*Judge's signature*City and state: Laredo, Texas

Diana Song Quiroga, U.S. Magistrate Judge

*Printed name and title*

**AFFIDAVIT**

In support of Criminal Complaint

**UNITED STATES OF AMERICA**

**CRIMINAL COMPLAINT**

**V.**

Montague Fitzgerald BARNES

Case Number:

On January 12, 2022, at approximately 11:20 a.m., a Border Patrol Agent (BPA) was working his assigned duties at the immigration checkpoint on Interstate Highway 35 near Laredo, Texas in Webb County when a white semi-truck hauling a white trailer approached the primary lane for inspection. The BPA asked the driver, later identified as Montague Fitzgerald BARNES, if he was a United States Citizen (USC) and BARNES replied "Yes". At that time a BPA canine handler was performing a non-intrusive free air sniff on the semi-truck with his service canine. The BPA canine handler advised the BPA on primary that his service canine was alerting to the tractor. The BPA asked BARNES to open the curtain to the sleeper and he complied, but the BPA didn't see anyone inside. The BPA noticed BARNES was displaying nervous behavior and was avoiding eye contact with him. The BPA referred BARNES to secondary inspection for further investigation due to the canine alert.

BARNES drove from primary inspection and another BPA instructed him to secondary inspection. BARNES disregarded the BPA's instructions and proceeded to go through the X-Ray machine. Upon going through the X-Ray machine, BARNES struck a marked border patrol service unit and was subsequently detained. The X-Ray machine automatically scanned the semi-truck and revealed three anomalies in the sleeper area of the tractor. BPAs searched inside the tractor and discovered the three subjects. After an immigration was conducted by BPAs, it was determined that all three subjects were illegally present in the United States (U.S). All subjects were placed under arrest and escorted into the checkpoint for further processing.

BARNES was read his Miranda Rights which he acknowledged by signing Service Form I-214. BARNES agreed to provide a statement without an attorney present. BARNES stated on January 11, 2022, he left to a local store in Laredo, Texas when he met an unknown female who he spoke with. He stated she lured him outside the store where two men threatened him with a gun. BARNES stated they got into a vehicle and the two unknown men with a gun to his head instructed him to push three subjects through the checkpoint. They drove him to an apartment complex where they picked up three subjects. BARNES stated the two unknown men drove and drop him off along with the three subjects at his tractor. BARNES stated one of the three subjects had a ski mask on and would pretend he had a gun. He considered leaving the tractor, but the three subjects would hit him behind his head and would not let him get out. BARNES stated he dove back to a truck stop where all four of them spent the night inside his tractor until today January 12, 2022. Today, he went for his commercial load and drove straight to the checkpoint. BARNES stated the two unknown men who threatened him never told him the three subjects were illegally present in the U.S.

Marco Antonio GARCIA-Rodriguez, a citizen of Mexico will serve as a material witness in the case. GARCIA-Rodriguez stated he made arrangements himself to be smuggled into the U.S. and paid 8,000.00 United States Dollars (USD). His intended destination was Houston, Texas. He illegally crossed the Rio Grande River with multiple people on January 8, 2022, near Laredo, Texas. Upon crossing the river, they were picked up by a green SUV that drove them to an unknown house where he spent two days. GARCIA-Rodriguez stated himself along with three males were transported to another house where he stayed until today January 12, 2022. GARCIA-Rodriguez stated they were instructed to get inside a Jeep and were transported to an unknown street and waited for several minutes. While waiting the driver of the Jeep instructed them to get into the white tractor's cabin, once it arrived. Once the white tractor arrived, he went inside and was able to see the driver (Montague Fitzgerald BARNES). GARCIA-Rodriguez described BARNES as a dark complected male wearing a gray sweater. Once he was in the cabin of the tractor, BARNES closed the curtain to the cabin and drove off. GARCIA-Rodriguez stated BARNES made a stop before arriving at the checkpoint.

SUBSCRIBED and SWORN to before me on

14th

day of

January, 2022

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
/S/ Ramirez, Edilberto Border Patrol Agent  
Signature of Complainant